

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

INDIANA MOTEL DEVELOPERS, INC., d/b/a)
HOLIDAY INN CONFERENCE CENTER;)
COLUMBUS HOTEL DEVELOPERS, INC.,)
d/b/a HOLIDAY INN CONFERENCE)
CENTER; CROSSPOINT HOTEL)
DEVELOPERS, INC., d/b/a HOLIDAY INN)
CONFERENCE CENTER,)

Defendants.

CIVIL ACTION NO.

1 : 09-cv- 1 169 LJM-DML

COMPLAINT

JURY TRIAL DEMAND

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION

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SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

NATURE OF THE ACTION

This is an action under Title I of the Americans with Disabilities Act of 1990 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of disability and to provide appropriate relief to Johnnie Garrett who was adversely affected by such practices. The Defendants failed to make reasonable accommodation to the known physical limitations of Mr. Garrett, thereby leading to the termination of his employment.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 107(a) of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12117(a), which incorporates by reference

Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e-5(f)(1) and (3).

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Southern District of Indiana, Indianapolis Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation, and enforcement of Title I of the ADA and is expressly authorized to bring this action by Section 107(a) of the ADA, 42 U.S.C. § 12117(a), which incorporates by reference Section 706(f)(1) and (3), 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendants, Indiana Motel Developers, Inc., d/b/a Holiday Inn Conference Center; Columbus Hotel Developers, Inc., d/b/a Holiday Inn Conference Center; and Crosspoint Hotel Developers, Inc., d/b/a Holiday Inn Conference Center (the "Defendants"), have continuously been Indiana corporations doing business in the State of Indiana and the City of Columbus, and have continuously had at least 15 employees.

5. At all relevant times, Defendants have continuously been employers engaged in an industry affecting commerce under Section 101(5) of the ADA, 42 U.S.C. § 12111(5), and Section 101(7) of the ADA, 42 U.S.C. § 12111(7), which incorporates by reference Sections 701(g) and (h) of Title VII, 42 U.S.C. §§ 2000e(g) and (h).

6. At all relevant times, Defendants have been covered entities under Section 101(2) of the ADA, 42 U.S.C. § 12111(2).

STATEMENT OF CLAIMS

7. More than thirty days prior to the institution of this lawsuit, Johnnie Garrett filed a charge with the Commission alleging violations of Title I of the ADA by Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. On or about June 3-6, 2008, the Defendants engaged in unlawful employment practices at their Columbus facility, in violation of Section 102(a) and (b)(5)(A) of Title I of the ADA, 42 U.S.C. § 12112(a) and (b)(5)(A) in that Defendants failed to make reasonable accommodation to the known physical limitations of Johnnie Garrett, thereby leading to the termination of Mr. Garrett's employment.

9. The effect of the practices complained of in paragraph 8 above has been to deprive Johnnie Garrett of equal employment opportunities and otherwise adversely affect his status as an employee, because of his disability.

10. The unlawful employment practices complained of in paragraph 8 above were intentional.

11. The unlawful employment practices complained of in paragraph 8 above were done with malice or with reckless indifference to the federally protected rights of Johnnie Garrett.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendants, their officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, from failing to make reasonable accommodations to the known physical limitations of an otherwise qualified individual with a disability.

B. Order Defendants to institute and carry out policies, practices, and programs which provide equal employment opportunities for qualified individuals with disabilities, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendants to make whole Johnnie Garrett, by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to reinstatement with full seniority and benefits.

D. Order Defendants to make whole Johnnie Garrett by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 8 above, including medical expenses, in amounts to be determined at trial.

E. Order Defendants to make whole Johnnie Garrett by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 8 above, including emotional pain and suffering, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendants to pay Johnnie Garrett punitive damages for its malicious and reckless conduct, as described in paragraph 8 above, in amounts to be determined at trial.

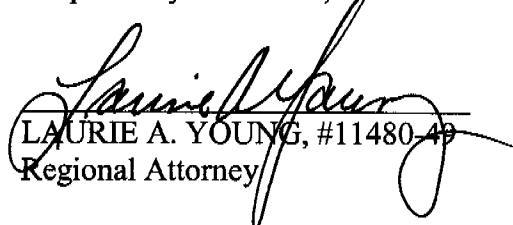
G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

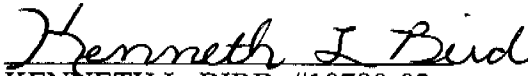
The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully Submitted,


LAURIE A. YOUNG, #11480-49
Regional Attorney



MICHELLE EISELE, #12070-49
Supervisory Trial Attorney



KENNETH L. BIRD, #10780-02
Senior Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Indianapolis District Office
101 West Ohio Street, Suite 1900
Indianapolis IN 46204-4239
Phone: (317) 226-7204
Fax: (317) 226-5571
Email: Kenneth.Bird@eeoc.gov